

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff(s),

08cv1367

ELECTRONICALLY FILED

v.

JOSEPH J. QUERI, JR., et al.,
Defendant(s).

ORDER OF COURT

After careful consideration of the SEC's Motion to Strike Defendants England and Jerome's Affirmative Defenses (doc. no. 64) and defendants response thereto, the Court will GRANT the motion to the following extent: Defendants England and Jerome's 3rd affirmative defense raising defenses of subject matter and personal jurisdiction will be stricken, consistent with this Court's Order of January 26, 2009, denying defendants' motion to dismiss. Similarly, the Court agrees with the SEC that venue is proper in this district, and therefore Defendants England and Jerome's 4th affirmative defenses challenging venue will be stricken. Defendants' 9th defense is duplicative, and also will be stricken.

Otherwise, the Court DENIES the SEC's Motion to Strike Defendants England and Jerome's Affirmative Defenses (doc. no. 64) without prejudice to raising the issues at an appropriate time following discovery.

SO ORDERED

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: all counsel of record